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EXAMINER

SCHLAIFER, JONATHAN D

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/658,742
Filing Date: September 11, 2000
Appellant(s): LYNN ET AL.

Brian J. Gustafson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/8/2005.

(1) Real Party in Interest

9/12

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

No prior art is relied upon by the examiner in the rejection of the claims under appeal.

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-2, 7, 10, 13-14, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation ("Microsoft Word: User's Guide", Version 6.0, 1993-1994), further in view of Hollingsworth et al. (USPN 5,444,836—filing date 3/10/1994), hereinafter.**
- 2. Regarding independent claim 1,** Microsoft Word discloses a layout editing system for arranging page structural elements in an electronic document (Microsoft Word is a word processor), comprising: a display device (Microsoft Word requires a screen); a first supply device to provide an electronic document having a plurality of first attraction points arranged on a grid to the display device (on page 392, Microsoft Corporation discloses the grid in Microsoft Word); a second supply device to provide a page structural element on the electronic document, the page structural element having a plurality of second attraction points to adjust a position of the page structural element (on page 392, there are objects which have frames and handles; on page 387, a freeform shape has attraction points); a movement device to move said page structural element to a desired location in said electronic document in response to a manual user operation (a mouse is used to move and manipulate drawing objects). However, Microsoft Corporation fails to disclose that the movement is without deformation of the object and an attraction state

control to control attraction of the plurality of second attraction points that can be activated so that only a single one of the plurality of second attraction points is attractive to snap the page structural element to a first attraction point while said page structural element is being moved by said movement device. However, Hollingsworth discloses that a single point is aligned to a grid in col. 1, lines 35-50, and this inherently involves activating input that allows the user to cause this alignment. The advantage that Hollingsworth provides on col. 1, lines 49-51, is “that all graphical objects have a similar relationship to standard dimensional grid positions on the graphical image”. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Hollingsworth’s selectivity for one point in conjunction with Microsoft Corporation’s invention in order to help ensure the relationship between graphical objects and the grid.

3. **Regarding dependent claim 2**, Microsoft Corporation discloses the use of a mouse, which is a pointing device, where items are kept in a held state by keeping the button down (see page 389).
4. **Regarding independent claim 7**, Microsoft Corporation discloses a layout editing method for arranging page structural elements in an electronic document (Microsoft Word is a word processor), comprising: displaying an electronic document having a plurality of first attraction points arranged on a grid (Microsoft Word has a grid and monitor, as revealed on page 392); displaying a page structural element on the electronic document, the page structural element having plurality of second attraction points (drawing elements in Microsoft Word obey this, as shown on page 392), holding said page structural element and activating a single one of the plurality of second attraction

points wherein a button of a pointing device linked to the cursor is pressed down at the time of detecting the cursor position (this behavior would follow from the use of handles to reshape freeform shapes, on page 387); and (this behavior would follow from the use of handles to reshape freeform shapes, on page 387). Microsoft Corporation fails to disclose that the selection is such that only a single second attraction point nearest to said cursor is in an attractive state and when said point device is operated in a holding state and said cursor is moved, linking the page structural element to movement of said cursor and moving said page structural element without deformation such that the single second attraction point is attractive to snap the page structural element to a first attraction point. However, Hollingsworth discloses that a single point is aligned to a grid in col. 1, lines 35-50, and this inherently involves activating input that allows the user to cause this alignment. The advantage that Hollingsworth provides on col. 1, lines 49-51, is “that all graphical objects have a similar relationship to standard dimensional grid positions on the graphical image”. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Hollingsworth’s selectivity for one point in conjunction with Microsoft Corporation’s invention in order to help ensure the relationship between graphical objects and the grid.

5. **Regarding independent claim 10**, it is an apparatus that performs the method of claim 7 and is rejected under similar rationale.
6. **Regarding independent claim 13**, it is essentially analogous to Claim 1, and may be rejected under the same rationale.

7. **Regarding dependent claim 14**, Microsoft Corporation discloses the use of a mouse, which is a pointing device, which causes the processor to select the second attraction point (see page 389).
8. **Regarding dependent claim 18**, Microsoft Corporation discloses on pages 392 that objects have bounding boxes.
9. **Regarding dependent claim 19**, Microsoft Corporation disclose that the movement device comprises a cursor displayed on the display device (on page 393, the movement is controlled by clicking), but Microsoft Corporation fails to disclose that the attraction state control activates only a single second attraction point nearest to the cursor attractive when the cursor is positioned inside the page structural frame and the page structural elemtn is being held by the movement device. However, Hollingsworth discloses that a single point is aligned to a grid in col. 1, lines 35-50, and this inherently involves activating input that allows the user to cause this alignment. The advantage that Hollingsworth provides on col. 1, lines 49-51, is “that all graphical objects have a similar relationship to standard dimensional grid positions on the graphical image”. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Hollingsworth’s selectivity for one point in conjunction with Microsoft Corporation’s invention in order to help ensure the relationship between graphical objects and the grid.
10. **Claims 3-6, 8-9, 11-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation further in view of Hollingsworth further in view of Muskovitz et al. (USPN 5,175,806—filing date 3/28/1999), hereinafter Muskovitz**

11. **Regarding dependent claim 4**, Microsoft Corporation and Hollingsworth fail to disclose a system further comprising an attractive operation mode setting mechanism to selectively set a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and a second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.
12. **Regarding dependent claim 5**, Microsoft Corporation and Muskovitz fail to disclose that said attractive operation mode setting mechanism comprises a predetermined specified key on the keyboard, and said second attractive operation mode is set by holding specified key pressed down. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes. It would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

13. **Regarding dependent claim 6**, Microsoft Corporation indicates on page 387 that Microsoft Word incorporated a cursor and that the closest “handle” point was manipulated when selected.
14. **Regarding dependent claim 8**, Microsoft Corporation and Hollingsworth fail to disclose a method further comprising the step of selecting a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.
15. **Regarding dependent claim 9**, Microsoft Corporation and Hollingsworth and Muskovitz fail to disclose a method wherein said first or second attractive operation mode is selected depending on whether a predetermined specified key on the keyboard is pressed down or released respectively. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes. It would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

16. **Regarding independent claim 11**, it is an apparatus that performs the method of claim 8 and is rejected under similar rationale.
17. **Regarding independent claim 12**, it is an apparatus that performs the method of claim 9 and is rejected under similar rationale.
18. **Regarding dependent claim 15**, Microsoft Corporation and Hollingsworth fail to disclose a system further comprising the step of selecting a first attractive operation mode that sets a state of attracting to all of said plurality of first attraction points, and second attractive operation mode that sets a state of attracting only to a selected predetermined pattern within said plurality of first attraction points. However, Muskovitz discloses the use of separate attractive grids for different classes of points in col. 4, lines 48-68 and col. 5, lines 1-32, in order to help organize and manipulate different categories of drawing elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to use separate grids (with corresponding modes) in order to help organize and manipulate different categories of drawing elements.
19. **Regarding dependent claim 16**, Microsoft Corporation and Hollingsworth and Muskovitz fail to disclose a method wherein the processor selects one of the first and second attractive operation modes based on user input on the keyboard. However, it was notoriously well known in the art at the time of the invention that it is typical to switch between modes by holding a key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes. It would have been obvious to one of ordinary skill in the art at the time of the invention to switch between modes by holding a

key pressed down (such as the Shift key) because this is a convenient and easy means of switching modes.

20. **Regarding dependent claim 17**, Microsoft Corporation indicates on page 387 that Microsoft Word incorporated a cursor and that the closest “handle” point was manipulated when selected.

(11) Response to Argument

The Appellant argues regarding Claim 1 that the key feature of the invention that renders it patentable over Microsoft Word: User’s Guide and Hollingsworth is that only a single one of multiple points of a page structural element is attractive to a grid in a snap-to-grid scenario. The Appellant attempts to argue that this feature is unique to the invention. However, in the quoted passage, Hollingsworth discloses that “Snapping serves to automatically reposition a graphical object to align a point on the object with a nearby standard grid location.” That is when the actual snapping occurs, only one point snaps. Hence, the limitation of the claim is met.

With respect to the other claims, they are argued to be patentable on the basis of the patentability of Claim 1. As the Examiner believes that the rejection of Claim 1 should stand, so too does he believe that the rejections of the other claims should stand as well.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2178

Respectfully submitted,

May 10, 2005

Conferees

Stephen Hong, SPE

Jóseph Feild, SPE



Jonathan Schlaifer

Examiner

Art Unit 2178

May 10, 2005

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